IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11098 of 2005

Between:

Contractors Association, L.B.Nagar Municipality, R.R.District, rep.by its General Secretary, P.Ramana Reddy, S/o.Ramireddy, plot No.410, Laxminagar, Kothapet, Ranga Reddy District.

..... PETITIONER

AND

1 The Director, Municipal Administration, Govt. of A.P., Hyderabad, Boorgula Rama Krishna Rao Building, Tank Bund, Hyderabad.
2 Special officer, L.B.Nagar, Municipality, Ranga Reddy District at L.B.Nagar.
3 Commissioner, L.B.Nagar Municipality, rep.by its Commissioner, Ranga Reddy District, at L.B.Nagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent municipality in calling for tenders through proceedings No.E/5826/2005 dt.28/4/2005 in the light of letter No. 113/5743/2004 dt.8/10/2004 of the District Collector keeping the works in abeyance as illegal, arbitrary, unreasonable and violative of Art. 14 and 19(1)(g) of the Constitution of India besides being violative of principles of natural justice and consequently direct the respondents not to proceed with the tenders vide tender notice No.E/5826/2005 dt.28/4/2005.

Counsel for the Petitioner: MR.A.RAVINDER REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2 and 3 : P.RadhaKrishna

The Court made the following:

ORDER:

This writ petition is facially and patently misconceived. The petitioner is the contractors association comprising members who claim to have executed works earlier for the L.B. Nagar Municipality-the third respondent. It also claimed that the said Municipality is in arrears of the contractual amounts due to the members of the petitioner-the association, in all, amounting to nearly Rs.4 crores. On these claimed background facts, the petitioner seeks interdiction of the proposal of the L.B. Nagar Municipality to invite tenders for certain works specified in its proceedings dated 28-04-2005.

It would appear that earlier the District Collector, Rangareddy District, in a letter dated 08-10-2004 informed the third respondent-the Commissioner of L.B.Nagar Municipality to keep certain works specified in his letter in abeyance, on the ground that the said municipality is due certain amounts to various contractors for earlier works executed by the said contractors. The authority of the District collector, Rangareddy District, for having issued the letter dated 08-10-2004 to the L.B.Nagar municipality is not established. This letter is a letter addressed by the District Collector to the third respondent, a copy of which is not marked to the petitioner nor does the petitioner assert as to how it obtained this letter of the District Collector.

In any view of the matter, the legal premise on the basis of which the writ petition is filed is non-existent. The writ petition is without merits, invites rejection and is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated May 10, 2005.

Ycr/Bsc

To

1 The Director, Municipal Administration, Govt. of A.P., Hyderabad, Boorgula Rama Krishna Rao Building, Tank Bund, Hyderabad.
2 The Special officer, L.B.Nagar, Municipality, Ranga Reddy District at L.B.Nagar.
3 The Commissioner, L.B.Nagar Municipality, Ranga Reddy District, at L.B.Nagar.

4. G.P. for Municipal Administration, High Court Buildings, Hyderabad. (OUT)

5. 2 C.D. copies.